

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

John Stritzinger,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:14-cv-2409-TLW
)	
Bank of America and Vernon Wright,)	
)	
Defendants.)	
_____)	

ORDER

Plaintiff John Stritzinger, proceeding pro se, brought this action against Defendants Bank of America and Vernon Wright. (Doc. #1). On June 17, 2014, Plaintiff filed a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. #2). On July 22, 2014, United States Magistrate Judge Paige J. Gossett, to whom this case was assigned pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), issued an Order directing Plaintiff to, *inter alia*, submit a signed copy of his Complaint and a completed Application to Proceed in the District Court Without Prepaying Fees or Costs (“Form AO-240”). (Doc. #15). Despite the Court’s warning that failure to comply with the Order could result in the dismissal of his case, Plaintiff failed to comply.

On August 1, 2014, Plaintiff filed a motion to consolidate cases and a motion to file electronically. (Doc. #18). On August 22, 2014, the Magistrate Judge issued a second Order directing Plaintiff to submit a signed copy of his Complaint and a completed Form AO-240. (Doc. #25). Again, Plaintiff failed to comply fully with the Order.

On September 23, 2014, the Magistrate Judge issued a Report and Recommendation (the “Report”) in which she recommends that this Court deny Plaintiff’s motion for leave to proceed

in forma pauperis and dismiss this action without prejudice based on Plaintiff's failure to comply fully with the Orders of the Court. (Doc. #33). Objections to the Report were due by October 10, 2014. Plaintiff filed no objections. He filed a "Third Amended Complaint" on October 2, 2014 (Doc. #35),¹ and a "Notice of Financial Information" on October 8 (Doc. #36).

This matter is now before the Court for review of the Magistrate Judge's Report. The Court is charged with conducting a de novo review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendation. See Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, "a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

The Court has carefully reviewed the Report in accordance with this standard, and it concludes that the Magistrate Judge accurately summarizes the case and the applicable law. It is therefore **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #33). For the reasons articulated by the Magistrate Judge, Plaintiff's motion for leave to proceed *in forma pauperis* is **DENIED**. (Doc. #2). **IT IS FURTHER ORDERED** that this case is **DISMISSED** without prejudice based on Plaintiff's failure to comply fully with Orders of this Court.

¹ This is in fact a first amended complaint, as the docket reflects that Plaintiff has made no prior requests to amend. Upon review, the Court notes that the amended complaint fails to meet the pleading standards set forth in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007) and Ashcroft v. Iqbal, 556 U.S. 662 (2009).

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

October 21, 2014
Columbia, South Carolina